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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,401	02/12/2002	Robert E. McCoy	P/79-4	7032

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PHILIP M. WEISS, ESQ.
WEISS & WEISS
300 Old Country Road
Suite 251
Mineola, NY 11501

EXAMINER	
FILIPCZYK, MARCIN R	

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,401	MCCOY, ROBERT E.	
	Examiner	Art Unit	
	Marc R. Filipczyk	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

This action is responsive to Applicants response filed May 8, 2006. Claims 1-8 are pending.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Priority

Claims Priority from Provisional Application 60/268,140 filed on February 12, 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, the segment, "non-internet media buys" is indefinite. It is not clear what the metes and bounds of non-internet media buys are.

Regarding claims 2-6 and 8 depend from claims 1 and 7 respectively, and are therefore rejected on the same merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as best as the Examiner is able to ascertain as being unpatentable over Matsumoto et al (U.S. Patent No. 6,763,334).

Regarding claims 1 and 7, Matsumoto discloses a system and method for determining which non-internet ads direct which web clicks comprising (abstract):

a database comprising information about a user's non-internet media buys (fig. 1, item 15, col. 7, lines 4-56).

(*Note: mailing magazine is one example of non-internet media buys*)

an index log file optionally comprising a user's IP address (fig. 2, item 62, col. 8, lines 53-64);

said system comparing information from said first database with information from said index log file to determine which of said non-internet ads generated said web clicks (col. 10, lines 8-12).

Matsumoto does not expressly teach a second database for storing user's IP address, but does store user's referrer log showing all referring pages from which the user is led to entrance page and also optionally stores the user's IP address in the index log file (62). Note, the user's IP address does not have to be stored because Matsumoto system uses an index URL embedded in the ad which allows for the monitoring of the user's access induced by the advertisement

hence the actions of the user are known without the need for user's IP address, however, optionally user's IP address may be stored (col. 8, lines 53-63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to store user's IP address and referrer log in a second database in the Matsumoto system by simply modifying the index log file (62) to be implemented as a database. One would be motivated to use a second database instead of an index log file to easier manipulate the data stored in the index log file.

Regarding claims 2 and 8, Matsumoto discloses the system further comprises a report which shows which ads generated the web clicks (col. 9, lines 61-65).

Regarding claim 3, Matsumoto discloses information about the user's buys comprises; date and time of advertising, type of advertising, location of ad and expiration date of the ad (col. 7, lines 24-40).

Regarding claim 4, Matsumoto discloses the information about a user's media buys further comprises cost of the ad (col. 5, lines 22-29).

Regarding claim 5, Matsumoto discloses the information about a user's media buys further comprises demographics of the ad (col. 6, lines 59-63).

Regarding claim 6, Matsumoto discloses a report which shows which of the web clicks do not correspond to an ad (col. 9, line 61 to col. 10, line 20).

Response to Arguments

Applicants arguments filed May 8, 2006 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on page 4 of the 5/8/06 response that "non-internet media buys" is definite, and include television, radio, etc.

The subject matter claimed and argued is not clear. Applicant's example that non-internet media includes a television is not helpful. When rewriting the claim with the term television, the claim would read "a database comprising information about a user's television. It is not clear how information of a television and IP address would generate web clicks.

Regarding arguments with respect to Matsumoto, Applicant rehashes issues already addressed on record as best as understood by the Examiner in previous responses listed below.

'Applicant argues on page 4 of the 11/17/05 response that Matsumoto does not teach "which non-internet advertisements generated a web click".

Examiner disagrees. First, it should be clear to one of ordinary skill that Matsumoto's mailing magazine and the like (col. 7, lines 4-9) fall under non-internet media buys and are/include non-internet type advertisements, as claimed. This data is later collected and the

response to advertisements is measured (col. 10, lines 8-30). For better understanding of Matsumoto, please also refer to the passages cited in the rejections including col. 8, lines 25-65.

Examiner notes previous arguments filed 1/13/05 and Examiner's responses of record:

Applicant argues on page 5 that "Matsumoto does not teach or make obvious a second database comprising a user's IP address. Further Matsumoto does not teach or make obvious that the system compare information from the first database with information from the second database to determine which of the advertisements generated the web clicks.

Examiner disagrees. As stated in the rejection, Matsumoto teaches storing an index log file comprising a user's IP address (col. 8, lines 32-62). Even though Matsumoto does not explicitly claim the index file is a "second database", it is well known to one of ordinary skill that a database comprises a file and records for a number of functions, and it is clear that the index of the log file could be used for a number of functions, just as a database, hence, Examiner maintains his view that a simple modification or specific implementation of the index log file is equivalent to a database, as stated in the rejection. Applicants are reminded that arguments need to be supported by evidence. Second, naturally Matsumoto compares (analyzes) data from the first database and index log file to determine what advertisements caused users to perform specific actions (see rejection above and col. 8, lines 53-63 and col. 9).

Applicant argues on page 5 that Matsumoto does not use the IP address compared to the information about the media buy to determine what advertisement drove the user to the website.

Examiner disagrees. Matsumoto uses the IP address compared to the information about the media buy to determine what advertisement drove the user to the website, further, Matsumoto

may use a referrer log or an ad placement identification code (APID) (col. 9, lines 12-22), depending on the desired method of the system implementation (fig. 2, module 60).'

No other arguments have been raised, thus with respect to all the pending claims 1-8, Examiner respectfully traverses Applicants assertion based on the discussion and rejection cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
July 10, 2006

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100